

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HDDA, LLC,
Plaintiff,
v.
HITESH PATEL, et al.,
Defendants.

Case No. [23-mc-80270-DMR](#)

**ORDER DENYING WITHOUT
PREJUDICE SECOND MOTION FOR
“DRILL ORDER”**

Re: Dkt. No. 24

Plaintiff HDDA, LLC (“HDDA”) moves for an order pursuant to California Code of Civil Procedure section 700.150 authorizing JPMorgan Chase Bank, N.A. (“Chase Bank”) to forcibly drill open the locks on two safe deposit boxes held by Judgment Debtors. [Docket No. 24.] Section 700.150 lists various requirements to levy property in a safe deposit box but does not specify that a judgment creditor must obtain a court order to do so. Moreover, California Code of Civil Procedure section 700.160 provides that “[a] court order *is not required* to levy on a deposit account or safe-deposit box standing in the name of . . . [t]he judgment debtor, whether alone or together with third persons.” Cal. Civ. Proc. Code § 700.160(b)(1) (emphasis added). Here, HDDA submits evidence that the two safe deposit boxes are held in the names of Judgment Debtors Reena Patel, Bhavesh Patel, and Hansaben J. Patel. [Docket No. 24-1 (Benjy Decl. May 6, 2024) ¶ 8, Ex. 3 (Chase Bank’s response to writ of execution, notice of levy).] Therefore, it appears that no court order is required to levy on the safe deposit boxes.¹

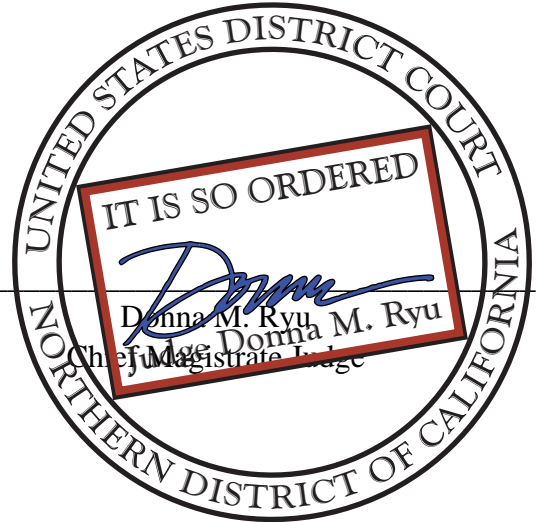
HDDA contends that Chase Bank’s “policy” is that HDDA “must first obtain and furnish to [Chase] Bank a ‘drill order’” to obtain the contents of the safe deposit boxes, Benjy Decl. ¶ 11,

¹ HDDA cites section 700.160(b)(1) in a footnote but does not distinguish it or explain how it does not apply. *See* Mot. 4 n.6.

1 and describes such an order as “for [Chase Bank’s] comfort purposes.” Mot. 6. But HDDA cites
2 no authority for the court’s issuance of an order “for comfort purposes.” Accordingly, the motion
3 is denied without prejudice. If HDDA seeks to re-file its motion, it must cite applicable authority
4 for the precise relief it seeks.

5
6 **IT IS SO ORDERED.**

7 Dated: June 17, 2024



United States District Court
Northern District of California